

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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## In re Application

Inventor(s): Steve Mitchell  
Appln. No.: 10/685,139  
Confirm. No.: 4489  
Filed: October 14, 2003  
Title: INTERSPINOUS PROCESS AND  
SACRUM IMPLANT AND METHOD


## PATENT APPLICATION

Art Unit: 3733  
Examiner: Hoffman, Mary C.  
Atty. Docket No.: KLYC-01075U1

Customer No. 23910

OCT 28 2005

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8  
I hereby certify that this correspondence is being transmitted by facsimile to the  
Commissioner for Patents, the United States Patent and Trademark Office, Facsimile  
No. (571) 273-8300, on the date shown below.

  
Mathew Ott  
Signature Date: 10/28/2005 (Signature)

## REPLY TO RESTRICTION/ELECTION

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

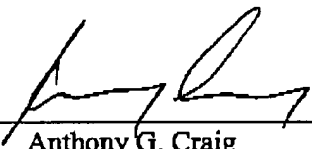
This Reply is in response to the Office Action mailed October 19, 2005, in the subject application.

Applicant elects without traverse to prosecute the invention of Group I, including claims 1-69 and 77, directed to a vertebral implant. Applicant further elects species "A. Fig. 3A-3C" which reads on at least claims 1-69 and 77.

No fee is believed due in connection with this paper. However, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 10/28/05

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